



University of Connecticut  
*Office of the Vice President and  
Chief Operating Officer*



BUREAU OF WATER PROTECTION AND LAND REUSE  
OFFICE OF THE BUREAU CHIEF

Office of Environmental Policy

FEB 04 2010

Richard A. Miller, Esq.  
*Director*

February 4, 2010

Paul E. Stacey  
Department of Environmental Protection  
Bureau of Water Protection and Land Reuse, Planning & Standards Division  
79 Elm Street  
Hartford, CT 06106-5127

Re: Comments on the Proposed Stream Flow Standards and Regulations

Dear Mr. Stacey:

The University of Connecticut offers these comments on the Department of Environmental Protection's proposed stream flow standards and regulations. The University is a supplier of public water for the campus communities in the Storrs and Mansfield Depot areas of Mansfield, CT. UConn is responsible for providing potable water for approximately 22,500 students and 4,200 faculty and staff as well as nearby municipal and private customers and a state correctional facility. Two well fields with registered diversions, one along the Fenton River and another along the Willimantic River, provide the water to meet the needs of the UConn community.

UConn supports CT DEP efforts to protect stream and river habitats while balancing the need to maintain an adequate water supply to meet human demands. Our Fenton River in-stream flow study<sup>1</sup> and imminent Willimantic in-stream flow study<sup>2</sup> will serve as the basis for our comprehensive, sustainable wellfield management plan. We believe the studies and attendant wellfield operating guidelines, which reduce pump rates according to stream flows, is a clear example of what the Department proposes as a "flow management compact." However, to be truly workable, the regulations should allow for individual flow management plans that are by and between a single operator and the Department.

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<sup>1</sup> Long-Term Impact Analysis of the University of Connecticut's Fenton River Water Supply Wells on the Habitat of the Fenton River

<sup>2</sup> Long-Term Impact Analysis of the University of Connecticut's Water Supply Wells on the Fisheries Habitat of the Willimantic River

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Given our comprehensive stream flow studies described above, UConn is well-positioned to meet the narrative standard in the regulations as drafted. However, we have the following specific concerns that if addressed appropriately would ensure our ability to provide a safe and reliable water supply while still being mindful of the intent of the proposed regulations to protect stream flow and habitat.

One of our concerns is that the proposed regulations would allow the Department to re-open a diverter's compact to adjust the previously approved conditions. A water management compact should be binding for its approved duration such that the holder of the compact can effectively plan to meet current and future water demands.

Another concern is the regulation's lack of a variance that could provide temporary relief from the conditions of an approved flow management compact during the rare, albeit possible, situations when the compact's constraints create a legitimate public health risk. Slight changes in the regulations could remedy our concern. The drought-trigger relief available to dam operators in §26-141b-6(a)(4) should be similarly extended to all public water supply activities regulated under the statute.

While we have been advised that a compact could be written with drought contingencies that allow for increased withdrawals to address public safety concerns, these increased withdrawals could create a condition that conflicts with the regulation's narrative standard. Since §26-141b-7(b)(1) requires that a compact must comply with the narrative standard, we question if such a compact could ever be approved by DEP.

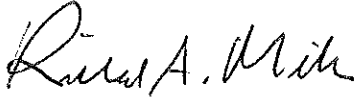
Further, any variance available under these regulations should be jointly granted by both DEP and the Department of Public Health. The variance process should have a defined period up to ten days by which time the request must be answered or be deemed granted. This would allow the variances to be granted within a meaningful timeframe in context of drought response. For more immediate emergencies, an automatic variance or exception should be included.

As the Department is aware, we have worked towards a more efficient water system that has less impact on stream flows through several infrastructure improvements – including a significant upgrade to a main transmission line in 2006, prompt responses to on-going leak detection surveys, and enhanced controls and data acquisition for our water production system. UConn's water conservation efforts include community outreach, higher efficiency standards for all new construction, completion of a report identifying potential water conservation opportunities, a water meter installation program that helps to prioritize buildings for retrofitted improvements, and on-going research and design into treating and reusing sewer effluent.

We recognize that our ability to further many of these conservation goals may be unique to the University setting. As a result, we have achieved significant gains that, when combined with our wellfield management strategies and infrastructure improvements, have resulted in a comprehensive water supply and demand program. With the above recommendations, we believe such a program will allow us to satisfy the regulation's goal of achieving a sustainable balance between ecological and human needs.

Thank you for this opportunity to comment. If you have any questions or would like to further discuss our comments, please contact me or Jason Coite, Environmental Compliance Analyst, at 860-486-9305.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Miller". The signature is fluid and cursive, with the first name "Richard" and last name "Miller" clearly distinguishable.

Richard Miller  
Director, Environmental Policy

cc: President Michael Hogan, University of Connecticut  
Barry Feldman, Vice President/Chief Operating Officer, University of Connecticut  
Jeffrey Reynolds, Interim Associate Vice President, University of Connecticut  
Thomas Callahan, University of Connecticut Health Center  
Lori Mathieu, Public Health Services Manager, Department of Public Health  
Peter Pezanko, Connecticut Water Company  
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